

PATENT

Docket No.: 1232-5121

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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JUL 08 2005

Applicant(s): Daigoro KANEMATSU

Serial No.: 10/646,411

Group Art Unit: 2861

Confirmation No. 9266

Filed: August 22, 2003

Examiner: Lamson D. Nguyen

For: PRINTING APPARATUS AND CONTROL METHOD THEREOF

CERTIFICATE OF FACSIMILE TRANSMISSION

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P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that the following item(s):

1. Response to Restriction Requirement

is/are being transmitted pursuant to 37 C.F.R. §1.8 by facsimile on the date indicated below to
Examiner **Lamson D. Nguyen** of Group Art Unit 2861 at the following facsimile number: (703)
872-9306. Transmission Total: 4 pages (including this cover sheet).

Respectfully submitted,
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Date: July 8, 2005By: 

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO ELECTION REQUIREMENT**

In response to the Official Action dated June 9, 2005, in which pending claims 1-17 are subjected to an election requirement, Applicant provisionally elects Species 2 (Fig. 3) as identified by the Examiner. At least claims 1, 2, 4-9 and 11-17 are believed readable on Species 2. As is set forth in detail below, this election is made with traverse.

The Examiner has required under 35 U.S.C. §121 election of a single species for prosecution on the merits because, in the Examiner's opinion, as set forth in the Detailed Action, the application contains claims directed to two patentably distinct species of the invention as follows:

Species 1: Figure 2; and
Species 2: Figure 3.

In addition, the Examiner has determined claims 1, 8, 15, 16 and 17 to be generic to these species.

As stated above, Applicant provisionally elects Species 2 for prosecution and identifies claims 1, 2, 4-9 and 11-17 as being readable thereon. Should any generic claim be deemed allowable, Applicant respectfully requests that all species readable thereon be rejoined to the case.

This election is made with traverse. Applicant respectfully submits that (1) all groups of claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together.

Applicant notes that the Examiner identifies merely two species, which Applicant submit is not "more than a reasonable number of species" for searching purposes.

In view of the foregoing, Applicant respectfully submits that the requirement for election is improper for at least the reasons stated, and request that the Election Requirement be withdrawn and all filed claims (i.e., 1-17) be examined on the merits.

Application No. 10/646,411
Response dated July 8, 2005
Reply to Restriction/Election Requirement mailed June 9, 2005

Docket No. 1232-5121

AUTHORIZATION

Should a telephone conference facilitate prosecution in any manner, the Examiner is invited to contact the undersigned at the number provided.

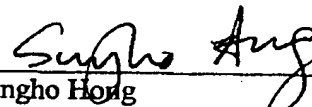
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An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: July 8, 2005

By:


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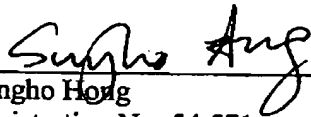
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